REMARKS

Claims 11-14, 16-21 and 23-36 are now pending in the application, with claims 11, 17, 23 and 25 being the independent claims. Reconsideration and further examination are respectfully requested.

Initially, in response to the Examiner's request, Applicants confirm that they will correct any errors in the Specification of which they become aware.

In the Office Action, objection was made to claim 11. In response, Applicants have amended claim 11 as suggested by the Examiner.

Claims 1-12, 15, 17 and 22 were rejected under 35 USC § 112, second paragraph. In response, it is noted that claims 1-10 and 15 have been canceled above. In addition, Applicants have amended claims 11, 12, 17 and 22 to eliminate the terms "X" and "K" from them. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1-10 also rejected under 35 USC § 101. These claims have been canceled above.

Claims 1-24 were rejected under 35 USC § 102(b) over U.S. Patent Publication No. 2002/0099643 (Abeshouse). Withdrawal of this rejection is respectfully requested for the following reasons.

The present invention concerns systems, methods, programs and techniques for allowing a person or entity that wishes to initiate an auction (an "end-user") to specify feedback rules regarding, e.g., the type, content and timing of information provided to bidders about the status of the auction. In the preferred embodiments, the user is able to flexibly and dynamically define such feedback rules, e.g., both at the beginning of the auction and then during the course of the auction as well.

Thus, independent claim 11 is directed to a computer readable medium containing executable instructions that when executed by a computer system implement a method that allows selection of a feedback rule for an online auction contemporaneously with an end-user initiating the online auction. The feedback rule includes at least one of personalized feedback, conditional feedback and timing of feedback.

The foregoing combination of features is not disclosed by the applied art. For instance, Abeshouse does not appear to disclose computer-executable instructions that when executed implement a method which allows selection of a feedback rule for an online auction.

In this regard, Applicants have carefully reviewed Abeshouse, paying particular attention to the specific portions of Abeshouse that are identified in the Office Action. However, Applicants are unable to find any such disclosure. While certain portions of Abeshouse appear to talk about providing different feedback to different bidders, and even dynamically adjusting the feedback as the characteristics of the bidders (e.g., their bid positions) change, there does not appear to be anything in Abeshouse indicating that a feedback rule can be simply selected through a computer program or the like, as presently recited.

To the contrary, it appears that in Abeshouse the kinds of feedback that are provided during the auction are hard-coded or hard-wired into the system. For example, there are various references throughout Abeshouse noting that the purchaser (the person or entity who creates the auction in Abeshouse's supplier auction model) has control over certain parameters of the auction (e.g., which potential suppliers will receive invitations to the auction, in paragraph [0019], and providing a definition of the product or services to be covered by the auction, in paragraph [0017]). However, there appears to be absolutely nothing in Abeshouse indicating that the purchaser has control over a feedback rule, at least in the manner presently claimed.

As a general matter, it seems that the purchaser has very little, if any, direct control over the creation of the auction in Abeshouse. See, e.g., paragraphs [0017]-[0018], in which Abeshouse notes that the purchaser uses a coordinator to set up the auction.

There is no indication in Abeshouse as to how feedback policies are actually put into effect. However, Abeshouse's need to use a coordinator indicates that the entire auction setup, including putting feedback policies into effect, is a complicated matter.

In contrast, the present invention often can enable an end-user to flexibly and dynamically define feedback rules. As a result, e.g., various approaches can be easily tried and then modified, if appropriate, based on the collected data.

In short, Abeshouse appears to lack any mention of computer-executable instructions that when executed implement a method that allows selection of a feedback rule for an online auction. Therefore, it could not have anticipated independent claim 11. Accordingly, claim 11 is believed to be allowable over the applied art.

Independent claim 17 is directed to a computer system having a processor operable to execute instructions of an auction program and a network interface coupled to the processor. The auction program is operable to provide data to client computers over the network interface for generation of an auction interface, the auction interface in turn permitting an end-user of an online auction to customize feedback of the online auction by selecting a feedback rule. The feedback rule is from the group consisting of feedback timing, personalized feedback, and feedback based on rank.

The foregoing combination of features is not disclosed by Abeshouse. For instance, for reasons similar to those set forth above, Abeshouse is not seen to disclose anything at all about an auction program generating an auction interface that permits an end-user of an online auction

to customize feedback of the online auction by selecting a feedback rule. For at least this reason, it is not believed that Abeshouse could have anticipated independent claim 17.

Independent claim 23 is directed to a computer system that includes means for executing programs and instructions operable to execute instructions of an auction program, as well as means for communicating data to network-attached client computer systems, with the means for communicating coupled to the means for executing. The auction program is operable to provide data to the client computer systems over the means for communicating operable to generate an auction interface, and the auction interface permits an end-user of an online auction to select a feedback from a pre-defined list of feedback rules to use for the online auction.

The foregoing combination of features is not disclosed by Abeshouse. For instance, for reasons similar to those set forth above, Abeshouse is not seen to disclose anything at all about an auction program providing data to a client computer system for generating an auction interface which permits an end-user of an online auction to select a feedback from a pre-defined list of feedback rules to use for the online auction. For at least this reason, it is not believed that Abeshouse could have anticipated independent claim 23.

The other rejected claims in this application depend from the independent claims discussed above, and are therefore believed to be allowable for at least the same reasons. Because each dependent claim also defines an additional aspect of the invention, however, the individual reconsideration of each on its own merits is respectfully requested.

New claim 25 is directed to a system for controlling an auction. The system includes interface means for providing a user interface through which an end-user may input details for an auction, including feedback rules regarding information provided to bidders about status of the auction. It also includes auction means for carrying out the auction over a network in accordance

with the input rules for the auction. This combination of features is supported throughout the Specification, in particular in paragraphs [0012] and [0015], and for similar reasons to those set forth above, is not seen to be disclosed or suggested by Abeshouse.

New claim 26 depends from independent claim 25 and recites the additional feature that the interface means allows the end-user to dynamically customize feedback provided to the bidders during the auction. This feature is supported, e.g., at paragraph [0014] of the Specification and, in combination with the features recited in its underlying base claim, is not seen to be disclosed or suggested by Abeshouse.

New claim 27 depends from claim 26 and recites the additional feature that the interface means allows the end-user to dynamically customize timing of the feedback provided to the bidders during the auction. This feature is supported, e.g., at paragraph [0014] of the Specification and, in combination with the features recited in its underlying base claims, is not seen to be disclosed or suggested by Abeshouse.

New claim 28 depends from independent claim 25 and recites the additional feature that the details for the auction also include start time of the auction, end time of the auction and details regarding an item to be auctioned. This feature is supported, e.g., at paragraph [0015] of the Specification and, in combination with the features recited in its underlying base claim, is not seen to be disclosed or suggested by Abeshouse.

New claim 29 depends from independent claim 25 and recites the additional feature that the feedback rules include a rule based on a bidder's rank in the auction. This feature is supported, e.g., at paragraphs [0018]-[0022] of the Specification and, in combination with the features recited in its underlying base claim, is not seen to be disclosed or suggested by Abeshouse.

New claim 30 depends from independent claim 25 and recites the additional feature that the interface means allows the end-user to select from a menu of pre-assembled feedback rules. This feature is supported, e.g., at paragraph [0023] of the Specification and, in combination with the features recited in its underlying base claim, is not seen to be disclosed or suggested by Abeshouse.

New claim 31 depends from claim 30 and recites the additional feature that at least one of the pre-assembled feedback rules includes a variable that is specified by the end-user. This feature is supported, e.g., at paragraphs [0018]-[0022] of the Specification and, in combination with the features recited in its underlying base claims, is not seen to be disclosed or suggested by Abeshouse.

New claim 32 depends from claim 31 and recites the additional feature that the variable comprises a bidder's rank in the auction. This feature is supported, e.g., at paragraphs [0018]-[0022] of the Specification and, in combination with the features recited in its underlying base claims, is not seen to be disclosed or suggested by Abeshouse.

New claim 33 depends from independent claim 25 and recites the additional feature that the interface means allows the end-user to assemble new feedback rules by using a scripting language. This feature is supported, e.g., at paragraph [0023] of the Specification and, in combination with the features recited in its underlying base claim, is not seen to be disclosed or suggested by Abeshouse.

New claim 34 depends from independent claim 25 and recites the additional feature that the interface means allows the end-user to specify that a first feedback rule is followed until a pre-specified event occurs, after which a second feedback rule is followed. This feature is

supported, e.g., at paragraph [0024] of the Specification and, in combination with the features recited in its underlying base claim, is not seen to be disclosed or suggested by Abeshouse.

New claim 35 depends from independent claim 25 and recites the additional feature that the interface means allows the end-user to modify the feedback rule during the auction. This feature is supported, e.g., at paragraph [0034] of the Specification and, in combination with the features recited in its underlying base claim, is not seen to be disclosed or suggested by Abeshouse.

New claim 36 depends from independent claim 25 and recites the additional feature that the user interface is a graphic interface. This feature is supported, e.g., at paragraph [0015] of the Specification and, in combination with the features recited in its underlying base claim, is not seen to be disclosed or suggested by Abeshouse.

In order to sufficiently distinguish Applicants' invention from the applied art, the foregoing remarks emphasize several of the differences between the applied art and Applicants' invention. However, no attempt has been made to categorize each novel and unobvious difference. Applicants' invention comprises all of the elements and all of the interrelationships between those elements recited in the claims. It is believed that for each claim the combination of such elements and interrelationships is not disclosed, taught or suggested by the applied art. It is therefore believed that all claims in the application are fully in condition for allowance, and an indication to that effect is respectfully requested.

If there are any fees due in connection with the filing of the currently submitted papers that have not been accounted for in this paper or the accompanying papers, please charge the fees to Deposit Account No. 08-2025. If an extension of time under 37 C.F.R. 1.136 is required for the filing of any of the currently submitted papers and is not accounted for in this paper or the accompanying papers, such an extension is requested and the fee (or any underpayment thereof) should also be charged to the Deposit Account.

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Respectfully submitted,
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